

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WILMINGTON DIVISION

In Re:	)	
	)	
JOYCE ANN FRINK <i>fka</i>	)	Case No: 23-00101-5-DMW
JOYCE ANN CAMPBELL KEEL	)	Chapter 13
	)	
_____ Debtor.	)	

OBJECTION TO DEBTOR'S MOTION FOR HARDSHIP DISCHARGE

NOW COMES SN Servicing Corporation, servicing agent for U.S. Bank Trust National Association, as Trustee of the Bungalow Series IV Trust (hereinafter "U.S. Bank Trust"), by and through its undersigned counsel, and files this objection to the Debtor's Motion for Hardship Discharge [Doc 61], filed April 4, 2024, and respectfully states as follows:

1. U.S. Bank Trust holds a security interest in the Debtor's real property located at 178 Grist Road, Chadbourn, North Carolina 28431 ("Real Property") by virtue of a Deed of Trust recorded May 30, 2000 in Book 621, Page 332 of the Columbus County North Carolina Register of Deeds. Said Deed of Trust secured a Note in the principal amount of \$76,000.00. U.S. Bank Trust filed a claim in the Debtor's case [Claim 9] for a total amount of \$73,147.93.

2. The Debtor listed the debt to U.S. Bank and Trust in her Chapter 13 Plan. At the time of filing, the Real Property was not listed as the Debtor's principal place of residence; instead, the Debtor listed a residential address at 100 Rusty Street, Apt. B, Tabor City, NC.

3. The Debtor "crammed down" the U.S. Bank debt, to a secured claim of \$60,000, which was based upon an appraisal provided by the creditor. The Debtor applied for and received assistance to cure her mortgage arrearages from the NC HAF. Under the Debtor's Confirmed Amended Plan, after applying \$34,011.52 in NC HAF funds, US Bank Trust's secured claim was \$25,988.48, with the remaining balance treated as an unsecured claim.

4. On May 22, 2023, the Debtor filed a Notice of Change of Address, switching her principal place of residence from 100 Rusty Street, Apt. B, Tabor City, NC to 178 Grist Road, Chadbourn, NC.

5. U.S. Bank is informed and believes that there is equity in the Real Property.

6. The Debtor is in substantial default with respect to her Plan payments, and Trustee has filed a motion to dismiss her Chapter 13 proceeding [Doc 55]. U.S. Bank Trust supports the Trustee's motion to dismiss. The Debtor's secured creditors, including US Bank Trust, have received virtually no distribution since the Debtor's filing on January 13, 2023.

7. The Debtor's verified Motion for Hardship Discharge provides that she is unable to cure her Plan arrearages, and that she is unable to complete her Plan due to worsening health issues and related costs. U.S. Bank Trust respectfully requests that the Debtor provide to her creditors, the Trustee, and to the Court, documentation to support her Motion for Hardship Discharge, including documentation of her changed medical condition, loss or change of income, and increased unanticipated expenses since the petition date. If the Debtor is unable to provide satisfactory documentation to support her motion, her request for a hardship discharge should be denied, and her case should be dismissed.

8. US Bank Trust reserves all rights to amend its Objection.

WHEREFORE, U.S. Bank Trust prays the Court:

1. For a hearing on all matters raised by the Debtor's Motion for Hardship Discharge, US Bank Trust's Objection, and any related matters; and,

2. For such other relief as to this Court deems just and proper.

This the 31<sup>st</sup> day of May, 2024.

FLETCHER, TYDINGS, WILLIAMS-TRACY & GOTT, P.L.L.C.  
Attorneys for SN Servicing Corporation, servicing agent for U.S. Bank  
Trust National Association, as Trustee of the Bungalow Series IV Trust

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CERTIFICATE OF SERVICE

The undersigned, as attorney of record for SN Servicing Corporation, servicing agent for U.S. Bank Trust National Association, as Trustee of the Bungalow Series IV Trust does hereby certify that a copy of the attached Objection to the Debtor's Motion for Hardship Discharge was served on the following individuals by depositing the same, enclosed in a postage prepaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service, addressed as follows:

Joyce Ann Frink fka Joyce Ann Campbell Keel  
100 Rusty Street  
Apt. B  
Tabor City, NC 28463

And to:  
Joyce Ann Frink  
178 Grist Road  
Chadbourn, North Carolina 28431

The following parties were served electronically:

Richard Preston Cook

Joseph A. Bledsoe, III

This the 31<sup>st</sup> day of May, 2024.

FLETCHER, TYDINGS, WILLIAMS-TRACY & GOTT, P.L.L.C.  
Attorneys for SN Servicing Corporation, servicing agent for U.S. Bank  
Trust National Association, as Trustee of the Bungalow Series IV Trust

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